

EXHIBIT D

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 PRAG TIERNO, individually and on
behalf of all others similarly-situated,

12 Plaintiffs,

13 vs.
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15 RITE AID CORPORATION, and DOES
1 through 25, inclusive,

16 Defendants.
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No.

**DECLARATION OF JASON LINSEY IN
SUPPORT OF NOTICE OF REMOVAL OF
ACTION**

1 I, Jason Linsey, declare:

2 1. I am the Senior Director of Payroll, Compensation and Accounting at Rite Aid
3 Corporation (“Rite Aid”), the defendant in this action. I make this declaration in support of Rite
4 Aid’s Notice of Removal of Action. I have personal knowledge of the facts set forth in this
5 declaration and could and would competently testify to them under oath if called as a witness.

6 2. Rite Aid is now and was at the time this action was commenced a corporation
7 incorporated under the laws of the state of Delaware with its principal place of business in the
8 State of Pennsylvania.

9 3. It is my understanding that in this action, plaintiff Prag Tierno contends that under
10 California law Rite Aid should have paid plaintiff and all proposed class members (“Putative
11 Class Members”) for hours worked in excess of eight hours in a workday and/or forty hours in a
12 work week at the rate of one-and-a-half times the Putative Class Member’s regular rate of hourly
13 pay.

14 4. Based upon my review of corporate data compiled by Rite Aid’s human resources
15 department, I am familiar with the number of Putative Class Members employed by Rite Aid over
16 the past four years, which comes close to 1,000. (Rite Aid currently employs approximately 647
17 Putative Class Members). Although, due to the shortness of time in preparing this declaration in
18 support of Rite Aid’s Notice of Removal, I was not able to obtain precise calculations, based on
19 the data currently available to me (including number of employees, their wage rates, and number
20 of days the Putative Class Members received pay for work as a store managers), I have an
21 adequate basis to make the following statement:

22 5. Although it is my understanding that plaintiff’s complaint does not specify how
23 many overtime hours the Putative Class allegedly worked, even if the assumption were made that
24 each Putative Class member worked only one hour of overtime per work week during the period
25 of his or her employment during the four-year time period for which plaintiff sues, if the Putative
26 Class Members were eligible to receive overtime wages for such overtime hours, the dollar value
27 of such wages during the past four-year time period would exceed \$5,000,000, exclusive of
28 interest.

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Executed on June 17, 2005, at Camp Hill, Pennsylvania.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.



Jason Linsey